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10/715,462	11/19/2003	Kang Soo Sco	1740-000074/US	3758
30593	7590	02/06/2008		
HARNES, DICKEY & PIERCE, P.L.C.			EXAMINER	
P.O. BOX 8910			SHIBRU, HELEN	
RESTON, VA 20195				
			ART UNIT	PAPER NUMBER
			2621	
			MAIL DATE	DELIVERY MODE
			02/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,462

Applicant(s)

SEO ET AL.

Examiner

HELEN SHIBRU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Objections

1. Claims 11-20 are objected to because of the following informalities: The sets of claims filed on 11/19/2003 includes two claims numbered as claim 11 and two claims numbered as claim 12. Therefore claims 11-20 should be renumbered. Appropriate correction is required. The Examiner renumbered and rejected the claims.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims ¹⁻¹⁸~~1-16~~ are rejected under 35 U.S.C. 101 because the claims are directed to a recording medium storing nonfunctional descriptive material.

TTG
2/4/08

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. See, e.g. Warmerdam, 33 F. 3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. In addition a mere arrangements or compilations of facts or data, are merely stored so as to be read or outputted by a computer without creating any functional interrelationship either as part of the stored data or as part of the computing processes performed by the computer then such descriptive material alone does not impart functionality either to the data as so structured, or to the computer, and therefore are not statutory. See MPEP 2106.IV.B.1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Saeki (US PG PUB 2001/0043790).

Regarding claim 1, Saeki discloses a recording medium having a data structure for managing reproduction of at least video data, comprising: a navigation area storing at least one navigation file, the navigation file including navigation commands for managing reproduction of at least video data forming different parental control reproduction paths (see fig. 28 and paragraphs 0226, 0234, 0312, 0315 and figures 6 and 14).

Regarding claim 2, Saeki discloses the navigation commands instruct playback of at least one playlist recorded on the recording medium for each different parental control reproduction path, each playlist representing at least a portion of at least one of audio and video data recorded on the recording medium (see paragraphs 0065-0068 and 0090).

Regarding claim 3, Saeki discloses the navigation commands are divided into navigation command groups, and at least one of the navigation command groups being associated with only one of the different reproduction paths (see figure 9).

Regarding claim 4, Saeki discloses the navigation commands selectively determine which playlist from a group of at least two playlists recorded on the recording medium to playback based on a selected parental control reproduction path (see paragraphs 0186, 0216-0217 and 0219).

Regarding claim 5, Saeki discloses the navigation commands selectively determine which of the playlists to playback based on user input indicating the selected parental control reproduction path (see paragraphs 0147, 0186, 0210, 0216, 0226, figures 21, and 26-27).

Regarding claim 6, Saeki discloses the navigation commands are divided into navigation command groups, and each of the different parental control reproduction paths has at least one navigation command group associated therewith (see figures 9 and 13).

Regarding claim 7, Saeki discloses each navigation command group associated with a different parental reproduction path is associated with only one of the different parental reproduction paths (see paragraphs a number of the navigation command groups selectively determine which playlist from a group of at least two playlists recorded on the recording medium to playback based on a selected parental control reproduction path. 0100-0106).

Regarding claim 8, Saeki discloses a number of the navigation command groups selectively determine which playlist from a group of at least two playlists recorded on the recording medium to playback based on a selected parental control reproduction path (see paragraphs 0186, 0216-0217 and 0219).

Claim 9 is rejected for the same reasons as discussed in claim 5 above.

Regarding claim 10, Saeki discloses a playlist area storing at least one playlist associated with each of the different parental control reproduction paths, each playlist identifying at least a portion of a clip file forming at least a portion of one of audio and video data recorded on the recording medium (see paragraphs 0100-0102, 0186, and 0216).

Regarding claim 11, Saeki discloses Saeki discloses each playlist is associated with only one of the different parental control reproduction paths (see paragraphs 0226, 0230, 0232 and claim 3 rejection above).

Regarding claim 12, Saeki discloses at least two playlists, each associated with a different one of the different parental control reproduction paths, identify a same clip file (see paragraphs 0096-0098).

Regarding claim 13, Saeki discloses at least two playlists, each associated with a different one the different parental control reproduction paths, identify a same portion of a same clip file (see paragraphs 0096-0102).

Regarding claim 14, Saeki discloses at least two playlists, each associated with a different one of the different parental control reproduction paths, identify different clip files representing a same portion of a title (see paragraphs 0202-0210).

Regarding claim 15, Saeki discloses the navigation file further includes a length indicator indicating a length of the navigation file (see paragraphs 0131 and 0205).

Regarding claim 16, Saeki discloses the navigation file further includes an attribute indicator providing an indication of at least one attribute of the navigation file (see paragraphs 0227-0228).

Regarding claim 17, Saeki discloses the navigation commands are divided into navigation command groups, and the navigation file further includes a number of navigation command groups indicator indicating a number of the navigation command groups in the navigation file (see paragraphs 0236-0240).

Regarding claim 18, Saeki discloses the navigation commands are divided into navigation command groups and the navigation file further includes a length indicator indicating a length of the navigation file, an attribute indicator providing an indication of at least one attribute of the navigation file, and a number of navigation command groups indicator indicating a number of the navigation command groups in the navigation file (see rejections of claims 13-15 above).

method claims 19-20 are rejected for the same reasons as discussed in claim 1 above.

Regarding claim 21, Saeki discloses an apparatus for recording a data structure for managing reproduction of at least data on a recording medium, comprising: a driver for driving an optical recording device to record data on the recording medium (see figure 14, and paragraphs 0126-0130); a controller for controlling the driver to record at least one navigation file on recording medium, the navigation file including navigation

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commands for managing reproduction of at least video data forming different parental control reproduction paths (see rejection of claim 1 above).

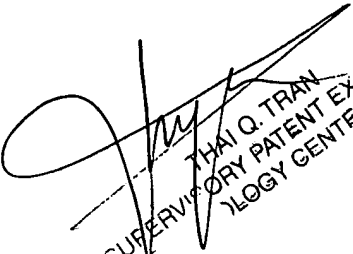
Claim 22 is analyzed and rejected for the same reasons as discussed in claim 19 above.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
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